

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First
Amended Accusation Against:**

EMANUEL VINCENT DOZIER, M.D.

Case No. 800-2017-035845

**Physician's and Surgeon's
Certificate No. G75322**

Respondent

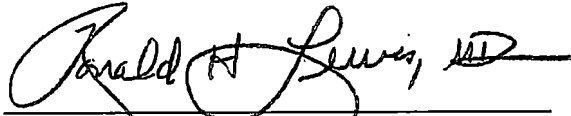
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 4, 2019.

IT IS SO ORDERED September 6, 2019.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
4 State Bar No. 228421
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6472
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

13 **EMANUEL VINCENT DOZIER, M.D.**
14 2019 21st Street
Bakersfield, California 93301
15
16 Physician's and Surgeon's Certificate.
No. G 75322,

17 Respondent.
18
19

Case No. 800-2017-035845

OAH No. 2018100335

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Christine R. Friar,
26 Deputy Attorney General.

27 2. Respondent Emanuel Vincent Dozier, M.D. (Respondent) is represented in this
28 proceeding by attorney Dennis R. Thelen of LeBeau Thelen, located at: 5001 E. Commercenter

1 Drive, Suite 300, Bakersfield, California 93309.

2 3. On or about October 6, 1992, the Board issued Physician's and Surgeon's Certificate
3 Number G 75322 to Respondent. That certificate was in full force and effect at all times relevant
4 to the charges brought herein and will expire on February 29, 2020, unless renewed.

5 **JURISDICTION**

6 4. First Amended Accusation No. 800-2017-035845 was filed before the Board, and is
7 currently pending against Respondent. The First Amended Accusation and all other statutorily
8 required documents were properly served on Respondent on July 11, 2019. Respondent timely
9 filed his Notice of Defense contesting the First Amended Accusation.

10 5. A copy of First Amended Accusation No. 800-2017-035845 is attached as Exhibit A
11 and incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 800-2017-035845. Respondent has
15 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Settlement and Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
19 cross-examine the witnesses against him; the right to present evidence and to testify on his own
20 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
21 production of documents; the right to reconsideration and court review of an adverse decision;
22 and all other rights accorded by the California Administrative Procedure Act and other applicable
23 laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 **CULPABILITY**

27 9. Respondent does not contest that, at an administrative hearing, Complainant could
28 establish a *prima facie* case with respect to the charges and allegations contained in First

1 Amended Accusation No. 800-2017-035845 and that he has thereby subjected his Physician's and
2 Surgeon's Certificate No. G 75322 to disciplinary action.

3 10. Respondent agrees that if an accusation is ever filed against him before the Board, all
4 of the charges and allegations contained in First Amended Accusation No. G 75322 shall be
5 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
6 any other licensing proceeding involving Respondent in the State of California.

7 11. Respondent agrees to be bound by the Board's imposition of discipline as set forth in
8 the Disciplinary Order below.

9 **CONTINGENCY**

10 12. This stipulation shall be subject to approval by the Medical Board of California.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
12 Board of California may communicate directly with the Board regarding this stipulation and
13 settlement, without notice to or participation by Respondent or his counsel. By signing the
14 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
18 action between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 **A. PUBLIC REPRIMAND.**

3 IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. G 75322
4 issued to Emanuel Vincent Dozier, M.D., shall be and is hereby publicly reprimanded pursuant to
5 California Business and Professions Code section 2227, subdivision (a)(4). This public
6 reprimand, which is issued in connection with Respondent's care and treatment of Patient A, as
7 set forth in First Amended Accusation No. 800-2017-035845, is as follows:

8 "You failed to adequately provide and document treatment to Patient A, including the
9 monitoring of her narcotic medications, in violation of the Business and Professions Code,
10 as more fully described in First Amended Accusation No. 800-2017-035845."

11 **B. CLINICAL COMPETENCE ASSESSMENT PROGRAM.**

12 IT IS FURTHER ORDERED THAT within 60 calendar days of the effective date of this
13 Decision, Respondent shall enroll in a clinical competence assessment program approved in
14 advance by the Board or its designee. Respondent shall successfully complete the program not
15 later than six (6) months after Respondent's initial enrollment unless the Board or its designee
16 agrees in writing to an extension of that time.

17 The program shall consist of a comprehensive assessment of Respondent's physical and
18 mental health and the six general domains of clinical competence as defined by the Accreditation
19 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to
20 Respondent's current or intended area of practice. The program shall take into account data
21 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),
22 Accusation(s), and any other information that the Board or its designee deems relevant. The
23 program shall require Respondent's on-site participation for a minimum of three (3) and no more
24 than five (5) days as determined by the program for the assessment and clinical education
25 evaluation. Respondent shall pay all expenses associated with the clinical competence
26 assessment program.

27 At the end of the evaluation, the program will submit a report to the Board or its designee
28 which unequivocally states whether the Respondent has demonstrated the ability to practice

1 safely and independently. Based on Respondent's performance on the clinical competence
2 assessment, the program will advise the Board or its designee of its recommendation(s) for the
3 scope and length of any additional educational or clinical training, evaluation or treatment for any
4 medical condition or psychological condition, or anything else affecting Respondent's practice of
5 medicine. Respondent shall comply with the program's recommendations.

6 Determination as to whether Respondent successfully completed the clinical competence
7 assessment program is solely within the program's jurisdiction.

8 If Respondent fails to enroll, participate in, or successfully complete the clinical
9 competence assessment program within the designated time period, Respondent shall receive a
10 notification from the Board or its designee to cease the practice of medicine within three (3)
11 calendar days after being so notified. The Respondent shall not resume the practice of medicine
12 until enrollment or participation in the outstanding portions of the clinical competence assessment
13 program have been completed. If the Respondent did not successfully complete the clinical
14 competence assessment program, the Respondent shall not resume the practice of medicine until a
15 final decision has been rendered on the accusation and/or a petition to revoke probation. The
16 cessation of practice shall not apply to the reduction of the probationary time period.

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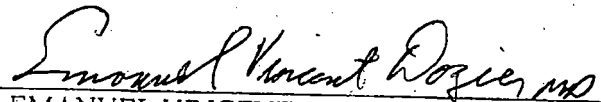
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Dennis R. Thelen. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED:

7-13-19

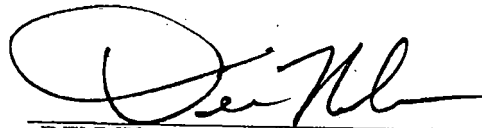


9 EMANUEL VINCENT DOZIER, M.D.
10 Respondent

11 I have read and fully discussed with Respondent Emanuel Vincent Dozier, M.D. the terms
12 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
13 Order. I approve its form and content.

14
15 DATED:

7-13-19



16 DENNIS R. THELEN
17 Attorney for Respondent

18 ENDORSEMENT

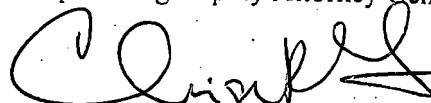
19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Medical Board of California.

21 Dated:

7-15-2019

Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 E. A. JONES III
25 Supervising Deputy Attorney General



26 CHRISTINE R. FRIAR
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2017-035845

1 XAVIER BECERRA
2 Attorney General of California
3 E.A. JONES III
4 Supervising Deputy Attorney General
5 CHRISTINE R. FRIAR
6 Deputy Attorney General
7 State Bar No. 228421
California Department of Justice
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Telephone: (213) 269-6472
Facsimile: (213) 897-9395
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 11 20 19
BY ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation
12 Against:

13 EMANUEL VINCENT DOZIER, M.D.
14 2019 21st Street
Bakersfield, California 93301

15 Physician's and Surgeon's Certificate
16 No. G 75322,

Respondent.

Case No. 800-2017-035845

OAH No. 2018100335

FIRST AMENDED ACCUSATION

19 Complainant alleges:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in
22 her official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs (Board).

24 2. On or about October 6, 1992, the Board issued Physician's and Surgeon's Certificate
25 Number G 75322 to Emanuel Vincent Dozier, M.D. (Respondent). That certificate was in full
26 force and effect at all times relevant to the charges brought herein and will expire on February 29,
27 2020, unless renewed.

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JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"..."

6. Section 2242, subdivision (a), of the Code states:

1 "Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without
2 an appropriate prior examination and a medical indication, constitutes unprofessional conduct."

3 7. Section 2266 of the Code states:

4 "The failure of a physician and surgeon to maintain adequate and accurate records relating
5 to the provision of services to their patients constitutes unprofessional conduct."

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 8. Respondent is subject to disciplinary action under Code section 2234, subdivision (b),
9 in that he committed gross negligence in his care and treatment of Patient A.¹ The circumstances
10 are as follows:

11 9. During the relevant time period, Respondent maintained a solo internal medicine
12 practice in Bakersfield, California and had attending privileges at Mercy Memorial Hospital, also
13 located in Bakersfield, California.

14 10. On or about August 17, 2011, Patient A, a 58-year old female and established patient
15 of Respondent, reported to the emergency room at Mercy Memorial Hospital. Respondent did
16 not treat Patient A on that date, but was listed as her Primary Physician in her medical record.
17 Her chief complaint was pain in her lower right chest or upper right abdomen with nausea. Her
18 medications were noted to include Methadone (a Schedule II opiate), Soma (a Schedule IV
19 muscle relaxant) and Xanax (a Schedule IV benzodiazepine). Patient A was not admitted to the
20 hospital and it was recommended in her medical record that she follow up with her primary
21 physician.

22 11. On or about August 28, 2011, Respondent prescribed Patient A Methadone. At the
23 time, Patient A was enrolled in a Methadone treatment program. Respondent did not see Patient
24 A at his office on either day.

25 12. On or about August 29, 2011, Respondent treated Patient A at his office for her
26 hospital follow up visit. Patient A was noted to have numerous chronic problems, including

27 ¹ In this Accusation, the patient is referred to as "Patient A" to protect her right of privacy.
28 The patient's full name will be disclosed to Respondent when discovery is provided pursuant to
Government Code section 11507.6.

1 irritable bowel syndrome, bipolar I disorder, chronic pain, chronic airway disease and asthma.
2 She was also noted to be suffering from abdominal pain at the time of this visit.

3 13. Respondent's note for the August 29, 2011, office visit fails to describe or address
4 any of Patient A's symptoms and her abdominal pain was not fully evaluated or addressed.
5 Additionally, Methadone is not listed as one of her past or present prescriptions.

6 14. On or about October 2, 2011, Patient A was admitted to Mercy Memorial Hospital
7 after she presented with confusion due to a pain medication and benzodiazepine overdose. The
8 hospital held her prescriptions for Wellbutrin (an antidepressant), Xanax, Ambien and Soma.
9 Patient A left the hospital on October 3, 2011, against medical advice because she wanted her
10 medications.

11 15. Respondent next saw Patient A at his office on or about November 21, 2011. Again,
12 Methadone was not listed as one of her past or present prescriptions in her medical record.
13 Respondent, however, had prescribed Patient A Methadone on both October 27, 2011, and
14 November 14, 2011.

15 16. Respondent next saw Patient A at his office on or about December 19, 2011. Again,
16 Methadone was not listed as one of her past or present prescriptions in her medical record. At
17 that visit, Respondent prescribed Patient A Dilaudid (a Schedule II opiate).

18 17. Respondent prescribed Patient A Methadone again on or about December 22, 2011.

19 18. On or about January 18, 2012, Respondent prescribed Patient A Methadone and
20 Hydromorphone (generic for Dilaudid).

21 19. Respondent saw Patient A for the next and last time on or about April 24, 2012, at his
22 office. Respondent noted in her record that Patient A presented for a refill of her pain
23 medications. Specifically, Patient A reported being out of town for two months due to a family
24 illness. Methadone is listed as one of her medications, along with Soma and Xanax. On that day,
25 Respondent prescribed Patient A Soma, Xanax and Methadone (at her previously established
26 dosage).

27 20. Patient A died on April 25, 2012, of Methadone toxicity (overdose).

28 ///

1 21. The applicable standard of care in the medical community requires a treating
2 physician to review a patient's medical issues at each visit, address different modalities of
3 treatment for the patient's medical issues and change the patient's treatment as necessary to
4 maximize the patient's health and standard of living.

5 22. Respondent committed an extreme departure from the standard of care when he failed
6 to adequately address Patient A's medical issues at each of her four visits between August 29,
7 2011, and April 24, 2012.

8 23. The applicable standard of care in the medical community requires a treating
9 physician to document all medication prescribed during the visit.

10 24. Respondent committed an extreme departure from the standard of care when he
11 repeatedly failed to list Methadone as one of Patient A's medications.

12 25. The applicable standard of care in the medical community requires that when a
13 patient is taking Methadone, no other opiates should be prescribed to that patient.

14 26. Respondent committed an extreme departure from the standard of care when he
15 prescribed Patient A two opiates, Methadone and Dilaudid. Additionally, Respondent also
16 contemporaneously prescribed Patient A Xanax and Ambien, both of which are contraindicated
17 when prescribing Methadone.

18 27. The applicable standard of care in the medical community requires that patients in a
19 drug program be medically monitored.

20 28. Respondent committed an extreme departure from the standard of care when he failed
21 to adequately monitor Patient A's medication use, despite her participation in a Methadone
22 treatment program.

23 29. Respondent's acts and/or omissions as set forth in paragraphs 9 through 28, inclusive
24 above, whether proven individually, jointly, or in any combination therefore, constitute gross
25 negligence pursuant to section 2234, subdivision (b), of the Code. As such, cause for discipline
26 exists.

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1 37. Paragraphs 9 through 28 are incorporated by reference and re-alleged as if fully set
2 forth herein.

3 38. Respondent's acts and/or omissions as set forth in paragraphs 9 through 28, above,
4 whether proven individually, jointly, or in any combination thereof, constitute the failure to
5 maintain adequate and accurate records pursuant to section 2266 of the Code. As such, cause
6 for discipline exists.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:


10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 75322,
11 issued to Emanuel Vincent Dozier, M.D.;

12 2. Revoking, suspending or denying approval of Emanuel Vincent Dozier, M.D.'s
13 authority to supervise physician assistants and advanced practice nurses;

14 3. Ordering Emanuel Vincent Dozier, M.D., if placed on probation, to pay the Board the
15 costs of probation monitoring; and

16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: July 11, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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